

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY

ON 4-26-90 cm

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO. D-07-90

In the Matter of the Suspension)
or Revocation of the License of)

Administrative Action

FRED J. FRIEDMAN, D.D.S.)

DECISION AND ORDER

To Practice Medicine and Surgery)
in the State of New Jersey)

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") on April 18, 1990, by an Order to Show Cause and Verified Complaint which alleged that Dr. Friedman is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public health, safety and welfare pursuant to N.J.S.A. 45:1-21(i). A hearing was held on April 18, 1990. Deputy Attorney General Anne Marie Kelly appeared on behalf of the complainant, and Edward E. Pack, Esq., appeared on behalf of Dr. Friedman.

Deborah Wacker, Special Investigator of the Enforcement Bureau, testified on behalf of the State. Ms. Wacker stated, on direct examination, that during the course of an interview with Dr. Friedman at his office on April 2, 1990, he had exhibited behavior which demonstrated a memory loss. For example, Dr. Friedman was unable to recall the year he was born or the dental school he attended. He was unable to identify the dental terms for the right central incisor or the right first molar. He occasionally lapsed into a foreign language and spoke in a very slow, hesitant manner. He did not know what the Board of

Dentistry was, he did not know what a stroke was, and he never heard of the Garden State Parkway.

Mrs. Joan Friedman, the respondent's wife, testified that Dr. Friedman sees approximately one or two patients a day. She further testified that Dr. Friedman was involved in an accident in Paris approximately six years ago wherein he sustained a head injury. In or about 1988 he began to exhibit a memory loss. At that time he entered Englewood Hospital for an examination and later Mt. Sinai Hospital in New York for further evaluation. His last examination at Mt. Sinai Hospital was in September 1989. Mrs. Friedman testified that Dr. Friedman's diagnosis is possible Alzheimer's disease. She further stated that Dr. Friedman recently had his driver's license revoked as a result of a number of motor vehicle violations. Mrs. Friedman stated that there is no treatment for Dr. Friedman's condition at this time.

The Board also requested the testimony of Dr. Friedman. It was immediately apparent that Dr. Friedman was very confused and did not understand the nature of the questions which were being asked. Accordingly, his testimony was terminated.

The Board having considered the Verified Complaint and accompanying Affidavits with attachments, and the Board having heard testimony and arguments of counsel, and the Board finding that the application palpably demonstrates a clear and imminent danger to the public health, safety and welfare, and the Board being satisfied that sufficient cause exists to investigate respondent's medical disability pending a plenary hearing on the

Complaint, and for good cause shown,

IT IS ON THIS 19th DAY OF April, 1990,

ORDERED that the license of Fred J. Friedman, D.D.S., to practice dentistry in the State of New Jersey is hereby temporarily suspended pending a medical evaluation and pending a plenary hearing on the Administrative Complaint; and it is further

ORDERED that on April 19, 1990, respondent shall, on demand made by investigators from the Enforcement Bureau, Division of Consumer Affairs, turn over all dental hand pieces, hand held dental instruments, and prescription pads utilized in the practice of dentistry and take such other steps as may be necessary to render the equipment located in his office unavailable for use in dental treatment or diagnosis. The investigators shall provide a receipt for all items removed to Dr. Friedman; and it is further

ORDERED that Dr. Friedman shall submit to a medical evaluation with a Board appointed consultant. Counsel for the Board shall provide the name of the consultant to counsel for Dr. Friedman. Dr. Friedman shall arrange the appointment, and he shall be responsible for the fee of the consultant for the evaluation and written report. The consultant shall provide a written report to counsel for the Board who shall, in turn, provide a copy to counsel for Dr. Friedman; and it is further

ORDERED that Dr. Friedman shall authorize the release of any and all medical records from hospitals and physicians. He shall cause copies of such records to be provided immediately to

counsel for the Board. Dr. Friedman further shall authorize any and all treating or examining physicians to speak with and consult with the Board appointed consultant for the purpose of conducting an evaluation of Dr. Friedman. All records required pursuant to this provision shall be provided directly to counsel for the Board who shall, in turn, provide them to the Board appointed consultant.

A handwritten signature in cursive script, appearing to read "William Cinotti", followed by a horizontal line.

WILLIAM CINOTTI, D.D.S.
VICE-PRESIDENT
BOARD OF DENTISTRY